

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: November 30, 2009

Signature:   
(Donna Forbit)

Docket No.: 66729/P034US/10614706  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Roy Schoenberg

Application No.: 10/824,705

Confirmation No.: 6791

Filed: April 15, 2004

Art Unit: 3626

For: AUTOMATED DATA ENTRY METHOD AND  
SYSTEM

Examiner: K. K. Rapillo

### RECORD OF EXAMINER INTERVIEW

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

Applicant respectfully submits this record of an Examiner interview conducted November 12, 2009. In response to the Office Action dated October 26, 2009, Applicant requested the interview to discuss the rejections raised therein. The interview was conducted via teleconference between the Examiner, Kristine Rapillo, the Supervisory Patent Examiner, Bob Morgan, and Applicant's representative, Jody Bishop. During the interview, Applicant's representative discussed independent claims 1 and 14 and the applied references of *Ross*, *Wheeler*, and the newly-applied *Puchek* reference.

Applicant's representative argued that the applied combination of *Ross*, *Wheeler*, and *Puchek* fails to teach or suggest at least the following limitations of claim 1:

- Automatically populating at least one data field of a computer-based medical record; and
- Receiving by a computer-based application a schedule for contacting a data source, and triggering by the computer-based application contacting of a data source in possession of desired field data in accordance with the schedule.

Applicant's representative argued that *Ross* teaches manual entry of data into a medical record. Applicant's representative further argued that the relied-upon portion of *Wheeler* does not concern

medical records at all, but is instead directed to use of cookies for populating certain fields of an order form presented by a web page. The Examiner noted that paragraph 0225 of *Wheeler* addresses medical records. However, Applicant notes that the portion of *Wheeler* that addresses medical records (e.g., paragraphs 0225-0234) does not suggest any automatic populating of the records, and paragraph 0299 of *Wheeler* that is relied upon by the Examiner as disclosing automatically populating fields (using cookies) is described as a completely separate and distinct embodiment in *Wheeler* that instead pertains to eBusiness Transactions, rather than medical records.

Applicant's representative further argued that the Office Action relies on *Puchek* as supplying a schedule for contacting a supervised person, but there is no teaching or suggestion regarding how the use of *Puchek*'s schedule for contacting supervised persons could possibly be used in the cookie-based automatic populating of fields proposed by *Wheeler*. The contacting of supervised persons according to a schedule proposed by *Puchek* and the use of cookies for updating of fields of a web page proposed by *Wheeler* appear to be completely disparate concepts that are not used together in any way. Indeed, *Puchek* is concerned with contacting supervised persons for responses, whereas *Wheeler* employs a technique that uses cookies for populating fields of a web page (instead of contacting supervised persons for such field data).

No agreement was reached during the interview. Applicant has appealed to the USPTO Board the rejections raised in this Office Action. Applicant believes no fee is due with this response. However, if any additional fee is due, please charge our Deposit Account No. 50-3948, under Order No. 66729/P034US/10614706 from which the undersigned is authorized to draw.

Dated: November 30, 2009

Respectfully submitted,

By 

Jody C. Bishop

Registration No.: 44,034

FULBRIGHT & JAWORSKI L.L.P.

2200 Ross Avenue, Suite 2800

Dallas, Texas 75201-2784

(214) 855-8007

(214) 855-8200 (Fax)

Attorney for Applicant